

STATEMENT OF THE CASE

Appellant-Defendant, Catina King a/k/a Catina Radford (King), appeals her conviction for battery, as a Class A misdemeanor, Ind. Code § 35-42-2-1.

We affirm.

ISSUE

King raises one issue, which we restate as: Whether the evidence was sufficient to support her conviction for battery beyond a reasonable doubt.

FACTS AND PROCEDURAL HISTORY

The undisputed facts are that on August 29, 2006, King entered a Planned Parenthood office located in Indianapolis, Indiana. She asked an employee for birth control pills. King was required to wait for a period of time, after which she grabbed some birth control pills without authorization, and a struggle ensued. The details how the altercation developed were disputed by differing testimony before the trial court.

On September 29, 2006, the State filed an Information charging King with: Count I, theft, as a Class D felony, I.C. 35-43-4-2; and Count II, battery, as a Class A misdemeanor, I.C. § 35-42-2-1. On July 26, 2007, the State dismissed Count I, theft, citing evidentiary problems for its reason. On August 23, and September 6, 2007, King was tried without a jury.

At the trial, a Planned Parenthood employee testified that King's prescription had become invalid for a medical reason and the employee told King she could not have the birth control pills until she was seen by a nurse. King returned to the counter two or three more

times requesting the pills. After being told she could not have them, King walked to the end of the counter, went behind it, and took some pills from a cabinet. The employee stood in front of King and reached her hand out while telling King she could not take the pills. King grabbed the employee's head and pulled her hair, hurting the employee. King next jerked, pushed, and pulled the employee and shoved her into a chair. She put her hands around the employee's neck, until a man she was with said something and they left the Planned Parenthood office.

A counselor at the Planned Parenthood office testified that King approached the Planned Parenthood employee three times. The counselor saw King go behind the counter, and the employee put her arms out and told King she could not go back there. King grabbed a pack of pills from a cabinet, pushed the employee and put her hands around the employee's neck.

King testified that after she had waited about an hour, she was called up to the counter. The employee had her pills sitting out on the counter. King put her money on the counter and grabbed them. The employee told her she was unauthorized to have the pills because she had not had a recent Pap smear. King testified that she told the employee she was not late for her Pap smear, and walked to the side of the counter asking to speak to a supervisor. The employee then came around the counter and tried to take the pills from King. The employee grabbed hold of King's arm, and then grabbed hold of her hair pulling King towards her. King fell on top of the employee, and her friend got between them. King and her friend then left because King had to go pick up her kids. King said she called the

police after she left, but the lady who answered the phone said it did not sound like a problem to her, to which King replied, “well – just ‘f’ it – just ‘f’ it then You don’t want to come out – just forget it” (Transcript p. 49).

On September 6, 2007, the trial court found her guilty of battery, as a Class A misdemeanor. On September 13, 2007, the trial court sentenced King to three-hundred sixty-five days incarceration with three-hundred sixty-three days suspended to probation, and ordered King to complete anger control counseling and forty hours of community service.

King now appeals. Additional facts will be provided as necessary

DISCUSSION AND DECISION

King argues that the trial court erred when it found that the State had presented sufficient evidence to convict her of battery. Specifically, she argues that she was provoked by the Planned Parenthood employee, and thereafter acted in self-defense when the employee tried to get the pills back from her.

Essentially, King has asked us to reweigh the evidence, and believe her version of the events that occurred in the Planned Parenthood office, as opposed to the testimony from the employee and counselor; however, this we cannot do. Our standard of review with regard to sufficiency claims is well settled. In reviewing sufficiency of the evidence claims, this court does not reweigh the evidence or judge the credibility of the witnesses. *Perez v. State*, 872 N.E.2d 208, 213 (Ind. Ct. App. 2007), *trans. denied*. We consider only the evidence most favorable to the verdict and the reasonable inferences drawn therefrom and will affirm if the evidence and those inferences constitute substantial evidence of probative value to support

the judgment. *Id.* Reversal is appropriate only when reasonable persons would not be able to form inferences as to each material element of the offense. *Id.*

Indiana Code section 35-42-2-1 defines battery, as a Class A misdemeanor, in pertinent part, as a knowing or intentional touching of another person in a rude, insolent, or angry manner that results in bodily injury to any other person. When reviewing the testimony most favorable to the verdict, there was sufficient evidence to support the trial courts finding that King committed battery, as a Class A misdemeanor, beyond a reasonable doubt. Therefore, we conclude King's conviction is supported by sufficient evidence.

CONCLUSION

For the foregoing reason, we conclude that King's conviction was supported by sufficient evidence beyond a reasonable doubt.

Affirmed.¹

BAKER, C.J., and ROBB, J., concur.

¹ The State has filed a Verified Motion for Permission to File Late Brief. However, since King has not presented a *prima facie* case that the trial court erred when convicting her, we find no reason to require the State to file an Appellee's Brief in this matter.